

October 2, 2009

Tim Ford, AGO Open Government Ombudsman  
[timf@atg.wa.gov](mailto:timf@atg.wa.gov)

Dear Mr. Ford:

I am a long-time resident of Washington State, and I am writing to express my full support for the Open Government Task Force. Our constitutional way of life deserves nothing less than relentless effort towards transparency and fairness in our governance.

That said, I'm going to be succinct and request the Task Force consider creating or entrusting a current governmental body – partially funded by local governments, partially by state governments – to provide guidance for public meetings & public records laws as well as mediation to public meetings and public records disputes. This guidance and mediation should not be binding, but certainly have some credibility & consistency. In other words not take off or circumvent the judicial branch of government.

As to funding split by local and state governments, the argument could be made that this body will reduce the financial risk to government coffers of open government violations. I note with satisfaction that the Washington Counties Risk Pool will no longer provide insurance for public records act violations, as should any fan of open government.

This crucial decision to have a government insurance organization no longer subsidize the withholding of public documents is a great kickoff to bringing government back to heel because as the RCWs are written now, the onus is on the private citizen. The same private citizens who rarely if ever have attorneys to take on contingency to support them against this tyranny of government deciding what is and what is not appropriate for the voting, taxpaying public to know. At the very least since taxpayers must pay for their government to defend withholding documents & deliberations from the media and a wealthy few... all taxpayers should receive in the name of fairness subsidies and a level playing field to defend access to public documents & deliberations.

Some will say that something will have to be cut or a tax will have to be increased to pay for such subsidy... which therefore reinforces the argument of having guidance & mediation induce transparency would be best for all before litigation – not after. Best for the citizen that wants to take an interest in their community and/or their state, best for the public servant who otherwise would have to suffer serious consequences and best of all for those lobbying to protect vital public services.

I request the task force please support either authorizing the Public Disclosure Commission to enforce the public meetings & public records regulations or creating a new body of government. Otherwise, we will not truly have open government in this state.

Thank you,